

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BETH PARMELEY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:12-CV-1910 (CEJ)
)	
REGIONS BANK doing business as)	
Regions Mortgage,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on defendant's renewed motion to dismiss plaintiff's complaint, pursuant to Rule 12(b), Fed.R.Civ.P., for lack of jurisdiction and for failure to state a claim for relief. Plaintiff has not filed a response to the motion and her time for doing so has elapsed.

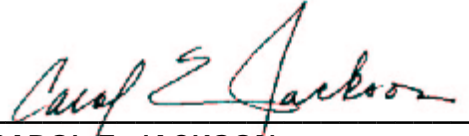
Defendant previously moved to dismiss plaintiff's complaint because she did not obtain a right-to-sue letter from the Equal Employment Opportunity Commission (EEOC) before filing suit. However, plaintiff stated in her complaint that she had filed a charge of discrimination with the EEOC. The Court accordingly denied defendant's motion to dismiss and directed plaintiff to obtain and file a right-to-sue notice no later than March 1, 2013. Plaintiff subsequently requested and was granted an extension until April 1, 2013. As of today's date, plaintiff has not filed the right-to-sue notice or requested a further extension of time.

The receipt of a right-to-sue letter is a condition precedent to maintaining an employment action. Hill v. John Chezik Imports, 869 F.2d 1122, 1123-24 (8th Cir. 1989). The failure to complete this exhaustion requirement before filing suit can be corrected after the action has commenced provided the plaintiff promptly takes

measures to cure the defect. Jones v. American State Bank, 857 F.2d 494, 499-500 (8th Cir. 1988). Despite being given an opportunity to do so, plaintiff has failed to obtain the right-to-sue notice and cure the defect. Her complaint will be dismissed for failure to exhaust administrative remedies.

Accordingly,

IT IS HEREBY ORDERED that defendant's renewed motion to dismiss for failure to exhaust administrative remedies [Doc. #17] is **granted**.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 25th day of April, 2013.